IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 8694 OF 2005.

Hemant Vasant Limaye ... Petitioner.
V/s.
The Industrial Court at Pune & ors... Respondent.

Ms. Prabhu i/b R.G. Londhe for the petitioner.

CORAM : V.C.DAGA, J.

DATED : 24.4.2006.

P.C. :

. When this matter was called out, Ms. Prabhu holding for Shri R.G. Londhe prayed for time on the ground that Shri Londhe is coming from Pune as such he is unable to attend the Court. The reason sought to be given can hardly be said to be sufficient cause. Prayer for adjournment is rejected.

2. Having gone through the petition, it appears that the Court below has taken notice of the undisputed fact that the complainant had resigned from service on 9.10.2002. His resignation was accepted by the petitioner on 30.10.2002.

3. The acceptance of resignation has been chanllenged in the present complaint filed under section 28 read with Items 9 and 10 of Item IV of the MRTU & PULP Act, 1971. The Industrial Court has held that the complaint was not maintainable in the absence of employer-employee relationship.

4. The view taken by the Court below is in consonance with the law laid down by the Apex Court in the case of **HEC Voluntary Retired Employees Welfare Soc. & anr vs. Heavy Engineering Corporation Ltd. & ors. 2006(2) SCALE 660.**

. In the result, petition is, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)